

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3 UNITED STATES OF AMERICA,

4 vs.

Criminal No. 18-292

5 ROBERT BOWERS,  
6 Defendant.

7 Transcript of Arraignment Proceedings on Monday,  
8 February 11, 2019, United States District Court, Pittsburgh,  
9 Pennsylvania, before Robert C. Mitchell, District Magistrate  
Judge.

10 APPEARANCES:

11 For the Government:

Soo C. Song, Esq.  
Troy Rivetti, Esq.  
U.S. Attorney's Office  
400 U.S. Courthouse  
700 Grant Street  
Pittsburgh, PA 15219

13 Julia Gegenheimer, Esq.  
14 601 D St. NW  
15 Washington, DC 2004

16 For the Defendant:

Michael J. Novara, Esq.  
Elisa A. Long, Esq.  
Federal Public Defender's  
Office  
1500 Liberty Center  
Pittsburgh, PA 15222

19 Judy Clarke, Esq.  
20 CLARKE JOHNSTON THORP & RICE PC  
21 1010 Second Avenue, Suite 1800  
San Diego, CA 92101

22 Court Reporter:

Julianne A. Kienzle, RMR, CRR  
5300 U.S. Courthouse  
700 Grant Street  
Pittsburgh, PA 15219  
(412) 261-6122

24 Proceedings recorded by mechanical stenography; transcript  
25 produced by computer-aided transcription.

1 (Proceedings held in open court; Monday, February 11, 2019.)

2 THE COURT: This is the scheduled arraignment on the  
3 superseding indictment in the case of the United States versus  
4 Robert Bowers at Criminal No. 18-292.

5 Sir, are you Mr. Bowers?

6 THE DEFENDANT: Yes.

7 THE COURT: Mr. Bowers, are you represented by  
8 Ms. Long, Mr. Novara and Ms. Clarke?

9 THE DEFENDANT: Yes.

10 THE COURT: The United States is represented by  
11 Ms. Song, Mr. Rivetti, and Ms. Gegenheimer.

12 Do you want to proceed to arraign the defendant on the  
13 superseding indictment?

14 MS. SONG: Yes, Your Honor.

15 Mr. Bowers, have you received a copy of the  
16 indictment?

17 MS. CLARKE: Counsel, we have received a copy and  
18 reviewed it with Mr. Bowers.

19 MS. SONG: Very well.

20 The substance of the charges in the 63-count  
21 superseding indictment that was filed here in Pittsburgh in the  
22 Western District of Pennsylvania are as follows:

23 Counts One through Eleven charge obstruction of free  
24 exercise of religious beliefs resulting in death on October 27,  
25 2018.

1           The 11 victims are listed by their initials in the  
2 indictment.

3           Counts Twelve through Twenty-Two charge hate crimes  
4 resulting in death on October 27, 2018.

5           The 11 victims are listed by their initials.

6           Counts Twenty-Three through Thirty-Three charge use  
7 and discharge of a firearm to commit murder during and in  
8 relation to a crime of violence and possession of a firearm in  
9 furtherance of a crime of violence.

10           The bases for the crimes of violence are listed in the  
11 indictment in the chart and the victims are listed by their  
12 initials.

13           Counts Thirty-Four and Thirty-Five charge obstruction  
14 of free exercise of religious beliefs involving an attempt to  
15 kill and use of a dangerous weapon resulting in bodily injury.

16           The two victims are listed by their initials.

17           Counts Thirty-Six and Thirty-Seven charge hate crime  
18 acts involving an attempt to kill.

19           The two victims are listed by their initials.

20           Counts Thirty-Eight and Thirty-Nine and Fifty-Two  
21 through Sixty-Three charge use and discharge of a firearm  
22 during and in relation to a crime of violence and possession of  
23 a firearm in furtherance of a crime of violence.

24           There are 12 victims listed in the chart and in the  
25 superseding indictment.

1           Counts Forty through Forty-Seven charge obstruction of  
2 free exercise of religious beliefs involving an attempt to kill  
3 and use of a dangerous weapon and resulting in bodily injury to  
4 a public safety officer.

5           The eight victims are listed by their initials in the  
6 chart.

7           Counts Forty-Eight through Fifty-One charge  
8 obstruction of free exercise of religious beliefs involving use  
9 of a dangerous weapon and resulting in bodily injury to a  
10 public safety officer.

11           The four victims are listed by their initials in the  
12 indictment.

13           That summarizes the charges in the indictment, Your  
14 Honor.

15           MR. RIVETTI: The penalties for these charges, Your  
16 Honor, are as follows:

17           As to Counts One through Eleven and Counts Thirty-Four  
18 and Thirty-Five, as well as Counts Forty through Forty-Seven,  
19 those are the obstruction of free exercise of religious beliefs  
20 resulting in death or involving an attempt to kill, the  
21 statutory maximum are as follows:

22           First, a sentence of death or a term of imprisonment  
23 for any term of years or for life; a fine of not more than  
24 \$250,000; a term of supervised release of five years.

25           For Counts Forty-Eight through Fifty-One, which is the

1 obstruction of free exercise of religious beliefs resulting in  
2 bodily injury, or involving the use of a dangerous weapon, the  
3 penalties are a term of imprisonment of not more than 20 years;  
4 a fine of not more than \$250,000; a term of supervised release  
5 of three years.

6           As to Counts Twelve through Twenty-Two and Counts  
7 Thirty-Six and Thirty-Seven, hate crime act resulting in death  
8 and/or involving an attempt to kill, the statutory maximum are  
9 a term of imprisonment for any term of years or for life; a  
10 fine of not more than \$250,000; and a term of supervised  
11 release of three years.

12           As to Counts Twenty-Three through Thirty-Three, which  
13 are use and discharge of a firearm to commit murder during and  
14 in relation to a crime of violence, and possession of a firearm  
15 in furtherance thereof, the penalties are a sentence of death  
16 or for a term of imprisonment of not less than 10 years and up  
17 to life imprisonment. The Court cannot place on probation or  
18 suspend the sentence of any person convicted of a violation of  
19 this section, nor may the term of imprisonment imposed run  
20 concurrently with any other term of imprisonment, including  
21 that imposed for the crime of violence; a fine of not more than  
22 \$250,000; and a term of supervised release of five years.

23           Finally, as to Counts Thirty-Eight and Thirty-Nine,  
24 and Counts Fifty-Two through Sixty-Three, which are use and  
25 discharge of a firearm during and in relation to a crime of

1 violence, and possession of a firearm in furtherance thereof,  
2 the possible maximum penalties are a term of imprisonment of  
3 not less than ten years and up to life in prison. Again, the  
4 Court may not place on probation or suspend the sentence of any  
5 person convicted of this, nor may the term of imprisonment  
6 imposed run concurrently with any other term of imprisonment,  
7 including that imposed for the crime of violence. Also, a fine  
8 of not more than 250,000; and a term of supervised release of  
9 five years.

10 Defendant Bowers, have you had an opportunity to  
11 review and discuss with your attorney the charges in this  
12 superseding indictment?

13 THE DEFENDANT: Yes.

14 THE COURT: Do you want the superseding indictment to  
15 be read to you at this time?

16 THE DEFENDANT: No.

17 MR. RIVETTI: Are you prepared to enter a plea to the  
18 superseding indictment?

19 THE DEFENDANT: Yes.

20 MR. RIVETTI: How do you plead?

21 MS. CLARKE: Your Honor, at this point, I wanted to  
22 advise the Court we're hopeful for a resolution of this case  
23 without a trial, but at this point, it's normal to enter a not  
24 guilty plea, and that's what we'd ask the Court to do.

25 THE COURT: Are you preserving your right to a jury

1 trial?

2 MS. CLARKE: At this point, yes.

3 THE COURT: Defendant Robert Bowers has entered a plea  
4 of not guilty to the superseding indictment on February 11,  
5 2019.

6 He has also requested a jury trial.

7 Judge Ambrose has extended the pretrial motions, is  
8 that correct, to April 17?

9 THE CLERK: That's correct.

10 THE COURT: Is there any additional Rule 16 material?

11 MS. SONG: Your Honor, discovery is ongoing. We are  
12 engaged with counsel in discussions with ongoing discovery.

13 THE COURT: Thank you.

14 Judge Ambrose will notify you of a trial date.

15 At this point, can you estimate the length of the  
16 government's case in chief?

17 MR. RIVETTI: Yes, Your Honor.

18 For the guilt phase, the government's estimate would  
19 be approximately three weeks.

20 If the case is determined to be a capital prosecution,  
21 it would be additional time for the penalty phase.

22 THE COURT: The defendant has waived detention,  
23 reserving the right to request a hearing if and when it becomes  
24 relevant.

25 Is there anything further to address?

1 MR. RIVETTI: No, Your Honor.

2 MS. CLARKE: No, Your Honor.

3 THE COURT: We'll recess.

4 (Court adjourned.)

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8 CERTIFICATE

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10 I, Juliann A. Kienzle, certify that the foregoing is  
11 a correct transcript from the record of proceedings in the  
above-titled matter.

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s/Juliann A. Kienzle, RMR, CRR

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Juliann A. Kienzle, RMR, CRR

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